

Village of Irvington
Zoning Board of Appeals

Minutes of Meeting held June 20, 2000

A meeting of the Zoning Board of Appeals of the Village of Irvington was held at 8:00 P.M., Tuesday, June 20, 2000, in the Trustees' Meeting Room, Town Hall, Irvington, N.Y.

The following members of the Board were present:

Louis C. Lustenberger, Chairman
Robert L. Bronnes
Bruce E. Clark
Robert C. Myers
George Rowe, Jr.

Mr. Lustenberger acted as Chairman and Mr. Rowe as Secretary of the meeting.

There were five matters on the agenda, three continuations and two new matters:

Continuations

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| 2000-02 | Frank Martucci & Robert A. & Katherine Mackie -
33 Matthiessen Park, Irvington, NY (Sheet 2, Lots
P109/P12) |
| 2000-07 | Paul & Linda Weiss - 158 Fieldpoint Drive,
Irvington, NY (Sheet 10G, Block 4, Lot 158) |

2000-08 Miji Inaba - Fieldpoint Drive, Irvington, NY
 (Sheet 10F, Block 231, Lot 17)

New Matters

2000-10 Amy Tercek - 8 Hancock Place, Irvington, NY
 (Sheet 8; Block 219; Lot 17)

2000-11 Ramai Narayan - 3 Beechwood Road, Irvington, NY
 (Sheet 13, Lot P5)

Martucci/Mackies

Norman Sheer, Esq., representing applicants, and Richard M. Gardella, representing the Cohens, were present. Mr. Rice, who had appeared on behalf of Harry Jacobs on prior occasions, was not present, having suffered an injury. Further letters from Mr. Gardella (June 16) and Mr. Rice (June 19) had been received by the Board.

The Chairman stated that he had prepared a draft opinion in this matter and proceeded to outline its terms. In brief, he proposed that the Board decline the interpretation requested by applicants and that the requests for an exemption and for a variance be denied. He outlined briefly in each case the basis for the proposed dispositions. Mr. Sheer stated his belief that the proposed decision was incorrect and Mr. Gardella stated

that, of course, he agreed with it. Mr. Jacobs, who was also present, stated that he supported the decision.

Upon the Chairman's motion duly seconded, three members of the Board, Mr. Clark having recused himself, voted to approve the dispositions proposed by the Chairman. The Chairman stated that he would promptly file the opinion with the Village Clerk. Mr. Rowe stated that he did not agree with the opinion of the majority, and would file a dissenting opinion.

Weiss

Eva Klein, represented Mr. and Mrs. Weiss, presented to the Board a letter from the Fieldpoint Management Association, approving the proposed additions to the Weiss residence, subject to the construction of a berm and the installation of plantings to screen the additions from neighbors. The Board granted the Weiss application, subject to and conditioned upon their compliance with the requirements of the Association, and to the requirements of the Architectural Board of Review.

Inaba

Mr. Inaba was represented by Richard Blancato, Esq. The Board declined to hear the matter since timely notice had not been given. Mr. Blancato undertook to give proper notice so that the application could be heard at the next meeting of the Board in July.

Turcek

The Turceks were represented by Radoslav Opacic, Architect. Here the Turceks seek a variance to permit them to wrap their existing front porch around the north side of their house. At present, doors on the north side of the house open on a sharp drop to the patio below, which Mr. Opacic notes is a hazardous condition, particularly for small children. Mr. Opacic presented to the Board a letter dated May 8, 2000, photographs showing the existing porch and the north side of the house around which the new porch will be wrapped, together with architectural drawings and a site-plan. A variance is needed because the existing porch extends 7 feet to the north over the side yard setback requirements, and the proposed porch which will proceed on a right angle from this extension would likewise exceed 7

feet over the setback requirement. The Chairman, noting the factors to be taken into account in an application such as that of the Turceks, moved that the variance be granted. The motion was duly seconded and unanimously approved.

Narayan

Here, Mr. Narayan seeks approval of a fence which impinges upon the Broadway buffer zone. Mr. Narayan was represented by Gerald E. Loehr, P.C., Yonkers, New York. Mr. Loehr reiterated the consideration put forward on the attachment to the applicant's request, particularly Dr. Narayan's desire to provide a measure of protection against intruders. Mr. Narayan is a doctor and often away from his house. His wife has been disturbed by the tripping of the burglar alarm and, of course, is concerned about trespassers. He noted the fence was already built, and partially screened by trees and a stone wall within the buffer zone, so that the object in establishing the zone is substantially served. Mr. Loehr stated that unfortunately, neither Mr. Narayan nor the fence company applied for a variance or were aware that a variance was needed.

After a review of the facts of the case, upon the Chairman's motion duly seconded, the Board unanimously approved Dr. Narayan's application.

There being no further business to come before the meeting, it was, upon motion duly made and seconded, unanimously adjourned.

A handwritten signature in black ink, appearing to read "George Rowe, Jr.", written in a cursive style.

George Rowe, Jr.